

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FRANKIE JOE BROWN,

Petitioner,

v.

EL RENO INSTITUTION,

Respondent.

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Case No. CIV-25-202-D

**ORDER**

Petitioner Frankie Joe Brown, a federal prisoner proceeding *pro se*, brought this action seeking a writ of habeas corpus under 28 U.S.C. § 2241 [Doc. No. 1]. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). On April 29, 2025, the magistrate judge issued a Report and Recommendation [Doc. No. 14], in which he recommends that the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 be **DISMISSED** without prejudice. In his report, the magistrate judge notified Petitioner of his right to file an objection to the report on or before May 16, 2025, and that the failure to object waives Petitioner's right to appellate review of both factual and legal issues contained in the report. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Upon review of the file and noting no timely objection to the findings and recommendations of the magistrate judge, the Court **ADOPTS** the Report and Recommendation [Doc. No. 14] in its entirety.

For the reasons stated therein, Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [Doc. No. 1] is **DISMISSED** without prejudice.<sup>1</sup> A separate judgment shall be entered.

**IT IS SO ORDERED** this 22<sup>nd</sup> day of May, 2025.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge

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<sup>1</sup> Rule 11(a) of the Rules Governing Section 2254 Cases requires a district court to issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. However, “a federal prisoner ... does not need a COA to appeal a final judgment in a § 2241 case.” *Eldridge v. Berkebile*, 791 F.3d 1239, 1241 (10th Cir. 2015).